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DIVISION 2. - RULES OF ORDER AND PROCEDURE ^[2]

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Sec. 2-23. - Regular meetings.

- (a) The board of county commissioners shall normally hold its regular meeting on Tuesdays, either in the morning or in the evening or at such other time or such other day as may be determined from time to time and established by resolution adopted by the board.
- (b) Meetings may be cancelled by action of the board of county commissioners, by the chairman or in his absence, the vice chairman or in their absence, by the county administrator. Meetings shall only be canceled by the chairman, the vice chairman or the county administrator for the following reasons:
 - (1) Unavailability of a quorum of the board.
 - (2) Natural disaster, emergency or unavailability of a meeting place which prevent the holding of a meeting.
 - (3) Such other reason as determined by the party canceling the meeting that is of such importance as to require the cancellation of the meeting. Provided, however, if the full board at the next ensuing meeting determines that such reason was not just cause for cancellation, then that reason shall not justify cancellation in the future.
- (c) In the event a meeting is cancelled by action of the chairman, the vice chairman or the county administrator, all board members shall be immediately notified by telephone and written notice. All press which normally covers the board meetings shall be notified and all doors of the county courthouse or other building at which the meeting was to be held shall be posted with clearly visible notices of the cancellation.

- (d) Unless a special meeting is called, all business scheduled for the canceled meeting shall be held over to the next regularly scheduled meeting of the board. If noticed hearings are scheduled for the canceled meeting, all parties to the noticed hearing shall be given written notice of the next meeting of the board at which the scheduled hearing will be held.
- (e) Meetings shall normally be held in the county courthouse in Bushnell, Florida and shall be open to the news media and the public. Meetings may be held in other locations within Sumter County.

(Ord. No. 82-6, § 1(1)a, 5-11-82; Ord. No. 95-1, § 1, 2-7-95)

State law reference— *Public meetings required, F.S. § 286.011; authority to set time and place of meetings, F.S. § 125.01(1)(a).*

Sec. 2-24. - Special meetings.

When the chairman, or vice-chairman in the absence of the chairman, or a majority of the board of county commissioners calls a special meeting the clerk shall be notified to inform the county constitutional officers, the county attorney and representatives of the press setting the place, date and hour of the meeting and the purpose for which the meeting is called.

(Ord. No. 82-6, § 1(1)(b), 5-11-82)

Sec. 2-25. - Agenda.

- (a) There shall be an agenda for every regular and special meeting of the board. The agenda shall establish the order of business conducted at the meeting, which may be varied by the chairman or majority vote of the board.
- (b) All items requiring consideration by the board must appear on the prepared agenda or agenda supplement with appropriate agenda supporting documentation.
- (c) Citizen requests for time to speak shall be included in a public forum portion of the agenda. Citizens will be limited to three (3) minutes each, which may be extended by action of the board. The subject matter should be limited to a current concern or topic; related specifically to the jurisdiction of the county; or an issue that needs the attention of the entire board. Matters that can be addressed by contacting county staff should be handled in that manner. If the subject matter has been voted on at a recent meeting of the board, no further discussion of that matter will be permitted.
- (d) The county administrator shall have the responsibility of preparing the agenda. Agenda packets shall be prepared and be available to board members as soon as possible preceding the meeting date.
- (e) Items which are routine and non-controversial may be placed on a consent agenda. Any commissioner may remove an item from the consent agenda for consideration as a part of the regular agenda.
- (f) The purpose of the agenda is to inform board members of the substance of the issues, provide time to prepare to discuss items or issues, and to inform the public and press of those items.
- (g) Items for action by the board not contained on the agenda or supplemental agenda may be considered for action by the board only upon an affirmative vote of a majority of board members. Emergency items may be considered at any time.
- (h) Items for discussion only may be raised at any time by any board member or the county administrator.

(Ord. No. 82-6, § 1(1)(c), 5-11-82; Ord. No. 2000-3, § 2, 3-28-00; Ord. No. 2007-04, § 1, 2-13-07)

Sec. 2-26. - Presiding officer; vice chair; election, duties.

- (a) The chairman, a vice-chairman and a second vice chairman shall be elected by a majority of the board members. The chairman shall preside at all meetings at which he is present. The first vice chairman shall serve in the absence of the chairman. The second vice chairman shall serve in the absence of the chairman and vice chairman.
- (b) The presiding officer shall preserve strict order and decorum at all meetings of the board. He will state every question coming before the board, and restate every motion before action by the board. He should state the mover and second of each motion.
- (c) The presiding officer shall be allowed to discuss all matters under consideration, to make motions, to second motions and shall vote on every matter coming up for a vote (unless a conflict is declared).
- (d) The presiding officer may call a board member or other participant to order if his or her remarks are not relevant to the subject matter under consideration or for lack of decorum.
- (e) The presiding officer shall recognize board members in the order of their request to speak, except the maker of the motion shall be recognized first.
- (f) Debate or discussion on a motion can be closed upon motion to call the question.
- (g) The presiding officer shall not entertain remarks or discussion on an issue after a vote has been taken.
- (h) The presiding officer may hold a subject or item over to a time certain or indefinitely if there is no objection. If there is an objection, the presiding officer shall call for a motion on the question of postponement or continuance.
- (i) Any decision by the presiding officer may be appealed and reversed upon an affirmative vote of a majority of board members.

(Ord. No. 82-6, § 1(1)(d), 5-11-82; Ord. No. 2000-3, § 3, 3-28-00)

Sec. 2-27. - Call to order.

At the hour appointed for the meeting, the chairman shall immediately call the board of county commissioner to order.

(Ord. No. 82-6, § 1(1)(e), 5-11-82)

Sec. 2-28. - Quorum.

- (a) A majority of the members of the board of county commissioners shall constitute a quorum. No resolution, legally binding document or motion shall be adopted by the board of county commissioners without the affirmative vote of the majority of all members physically present.

(Ord. No. 82-6, § 1(1)(f), 5-11-82; Ord. No. 2010-13, § 4, 8-24-10)

Sec. 2-29. - Rules of debate.

- (a) *Motion under consideration.* When a motion is presented to the board of county commissioners and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These counter-motions shall have preference in the order in which they are mentioned and the first two (2) shall be decided without debate. Final action upon a pending motion may be deferred until the next meeting by a majority of the members

present. Robert's Rules of Order shall not govern the conduct of business of the board of county commissioners.

- (b) *Chairman participation.* The presiding chairman may move, second and debate from the chair, and shall not be deprived of any of the rights and privileges of a commissioner by reason of being the presiding chairman.
- (c) *Form of address.* Each member shall address only the presiding officer for recognition, shall confine himself to the question under debate, and shall avoid personalities and indecorous language.
- (d) *Interruption.* A member, once recognized, shall not be interrupted except by a call to order or as herein otherwise provided. If a member is called to order, he shall stop speaking until the question is determined by the presiding officer. Any member may appeal the decision of the chair to the commission for decision by majority vote.
- (e) *Privilege of closing debate.* The commissioner moving for the adoption of an ordinance, resolution or other act shall have the privilege of closing debate unless otherwise directed by the chair.
- (f) *The question.* Upon the closing of debate any member may require a roll call vote. Any member may give a brief statement or file a written explanation of his vote.

(Ord. No. 82-6, § 1(1)(g), 5-11-82)

Sec. 2-30. - Minutes.

- (a) The minutes of prior meetings, approved by a majority of the members present, shall become the official minutes.
- (b) Each resolution, ordinance and legally binding document shall be signed by the presiding officer at the meeting and by the clerk, and entered in the minutes.

(Ord. No. 82-6, § 1(1)(h), 5-11-82)

Sec. 2-31. - Addressing the board of county commissioners.

- (a) If a subject is not on the agenda it may be added by motion and a majority vote that the subject should not be delayed until the next meeting.
- (b) Any person appearing to provide the board of county commissioners factual information or expert opinion to consider prior to taking official action shall be governed by the following procedure:
 - (1) Prior to addressing the board of county commissioners, the speaker shall approach the front center of the conference table and clearly state his full name, home address, the person he represents and the subject of his address.
 - (2) Before providing factual information or expert opinion the speaker may ask, and any commissioner may require the speaker to be placed under the following oath with right hand upraised:

"I willfully swear under oath the facts and testimony I furnish the board of county commissioners to be the truth."

 - a. No person shall be required to take this oath more than once in any given day, but shall be reminded he is under oath before again addressing the board of county commissioners. Each commissioner, staff member and county employee shall take the oath one (1) time and be considered under oath during the term of his office.
 - b.

Those asking questions or desiring to comment on a matter before the board of county commissioners shall not be required to take the oath. Any commissioner may at any time request such a speaker to take the above oath.

- (c) Each person shall limit his address to five (5) minutes unless granted additional time by majority vote of the board of county commissioners. All remarks shall be to the board of county commissioners as a body and not to any individual member. No person, other than a commissioner shall discuss directly or through a commissioner, without authorization of the presiding officer.
- (d) Any person making impertinent or slanderous remarks, or who becomes boisterous, shall be instructed to remain silent by the presiding officer until permission to continue is granted.

(Ord. No. 82-6, § 1(2), 5-11-82; Ord. No. 2010-13, § 5, 8-24-10)

Sec. 2-32. - Sergeant-at-arms.

The county sheriff, or his deputy, shall be the sergeant-at-arms at meetings of the board of county commissioners and shall carry out all orders of the chairman to maintain order and decorum.

(Ord. No. 82-6, § 1(3), 5-11-82)

Sec. 2-33. - Action to be taken by resolution, ordinance or motion.

Each action of the board of county commissioners shall be taken by resolution, ordinance or legally binding document as appropriate under local, state or federal law, approved as to form by the county attorney, except that approval of administrative matters may be by motion adopted and recorded in the minutes.

(Ord. No. 82-6, § 1(4), 5-11-82; Ord. No. 2010-13, § 6, 8-24-10; Ord. No. 2010-13, § 6, 8-24-10)

Sec. 2-34. - Adjournment.

A motion to adjourn shall always be in order and decided without debate, and the meeting shall be adjourned by the chairman of the board of county commissioners unless a board member objects or requests additional discussion after the motion to adjourn has been made.

(Ord. No. 82-6, § 1(5), 5-11-82; Ord. No. 2010-13, § 7, 8-24-10)

Secs. 2-35, 2-36. - Reserved.

Editor's note—

Ord. No. 2006-7, § 1, adopted Jan. 31, 2006, repealed sections 2-35, 2-36 in their entirety. Former sections 2-35, 2-36 pertained to reconsideration of matters generally and reconsideration of comprehensive plan requests, respectively, and derived from Ord. No. 82-6, §§ 1(6), (7), adopted May 11, 1982; Ord. No. 96-23, §§ 2—5, adopted Dec. 16, 1996.

Sec. 2-37. - Procedure for handling allegations, accusations and complaints against county employees.

- (a) The board of county commissioners shall not hear during any meeting any allegation or accusation of alleged wrongdoing, violation of law or ethics pertaining to any county employee. Attempts to bring before a meeting of the board of county commissioners allegations or accusations shall be immediately declared out of order by the chairman and no

further discussion allowed. Persons wishing to file charges against county employees shall be referred to the appropriate state or local official who shall advise the complainant of the proper procedures to be followed. This section shall not be construed to prohibit any person from criticizing or complaining about any county employee and is intended only to proscribe discussion of allegations involving violations which are under the jurisdiction of the state attorney, the state commission on ethics, or other agency or entity which would normally investigate and resolve such complaints.

- (b) County employees shall be defined as all persons in the employ of the county, including independent contractors, consultants, full- and part-time employees, permanent and temporary employees, and shall include members of all county committees, commissions, and authorities. This section does not apply to county commissioners.

(Ord. No. 82-6, § 3, 5-11-82; Ord. No. 86-5, 12-9-86)

State law reference— *Code of ethics for public officers and employees, F.S. § 112.311 et seq.*

Sec. 2-38. - Workshops.

Workshops will be agended or noticed as requested by the board or county administrator. The purpose of a workshop is to allow staff to make presentations to the board and to allow questions and input by the board. Public comment will be at the discretion of the chairman, but such public input will be limited by other provisions of the Code.

(Ord. No. 2000-3, § 1, 3-28-00)

Sec. 2-39. - Public discussion on agenda items.

- (a) No member of the public shall be entitled, as a matter of right, to address the board on any item listed on the agenda which is not scheduled for public hearing or discussion, except during the public forum portion of the agenda.
- (b) No person shall, by speech or otherwise, delay or disrupt the proceedings of the board. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the board shall be cautioned by the presiding officer and given the opportunity to conclude his or her remarks. Any person persisting in such disorderliness shall not be allowed to continue speaking unless permission to continue or again address the board is granted by a majority of the board.
- (c) Upon failure of a presiding officer to maintain decorum, a call for a point of order by a board member shall require business proceedings to cease until decorum is restored.

(Ord. No. 2000-3, § 4, 3-28-00)

Secs. 2-40—2-50. - Reserved.

FOOTNOTE(S):

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State Law reference— *Authority to adopt rules of procedure, F.S. § 125.01(1)(a).* [\(Back\)](#)